

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA,

CR 16-50112

Plaintiff,

FACTUAL BASIS STATEMENT

vs.

RYAN LLOYD KAMMERER,

Defendant.

The undersigned parties stipulate that the following facts are true and establish a factual basis for the plea in the action pursuant to Federal Rules of Criminal Procedure 11(b)(3):

During the 2016 Sturgis Bike Rally, South Dakota Internet Crimes Against Children and Homeland Security Investigations were conducting an operation and working in undercover capacities. Multiple men, including Ryan Lloyd Kammerer, chatted on websites or the mobile app in response to an undercover "profile" that posed as a minor male, in order to facilitate engaging in an unlawful sex act.

On August 6, 2016, SA Brian Freeouf was under cover and was utilizing the application "Grindr". Grindr is a geosocial networking application created and geared toward gay and bisexual men, designed to help such men meet other men in their area for sexual encounters, dating, or friendship. His persona at the time was a 15 year-old boy.

While on the application "Grindr," Ryan Lloyd Kammerer contacted Freeouf. He started the conversation by saying "Hey." They online "chatted" for a bit and then he asked Freeouf, "What would you want to try." Freeouf responded by saying, "I guess anything I am only 15 so don't know much and kinda embarssed." Kammerer asked Freeouf if he had any pictures and told him not to be embarrassed. Freeouf sent him an undercover image of a male associated with law enforcement, from when he was young. He responded to that image by saying "cute." He also sent Freeouf an image of himself.

Freeouf asked him if he had "done stuff on Grindr before," Kammerer said the following, "Yeah I have but don't confuse this for eharmony.com ... It's for sex nothing more... I'm not going to sugar coat anything." To which Freeouf replied, "so you meet people for sex with this." He answered, "Yeah that whole point of it...".

Kammerer asked Freeouf, "Are you hung." Freeouf responded by saying "I don't know what that means." To which Kammerer responded, "Do you have a nice cock".

On August 7, 2016, Kammerer recontacted Freeouf's undercover persona on Grindr. He wrote, "Not gonna lie part of me wants to have sex but idk if it's what you want or if you're ready for it." Freeouf responded by telling him he was open to anything. Kammerer then asked if Freeouf's undercover persona wanted to "top or bottom." Freeouf responded with "??." Kammerer explained, "Do you want your dick in an ass or a dick in your ass when you finally go all

the way." Freeouf told him, "I want mine in doesn't the other hurt." Kammerer responded, "Not as bad as you'd think... Once you relax taking a cock feels amazing". He asked Freeouf's undercover persona about the size of his penis. Freeouf responded that he had never measured it. He asked Freeouf's undercover persona if he masturbated.

Kammerer then gave Freeouf his cell phone number and told Freeouf he could text him. Freeouf attempted to text him without success. Based on that, Freeouf provided Kammerer his undercover cell phone number and he made contact with Freeouf. Freeouf received the first message from Kammerer which read "Hey." Freeouf asked Kammerer what his name was and he told Freeouf "Ryan." Freeouf told him his undercover persona's name and they continued to text. He asked Freeouf if he was serious about doing something together. Freeouf told him that depended on what he wanted to do. Freeouf also reminded him, "like I said haven't really done anything feel dumb should have done more by age 15." Kammerer asked Freeouf, "Would you want to swap head sometime and see if it feels." Freeouf asked him what that meant. He responded, "Suck each other's cocks." He then said, "Maybe I'll rim your ass too" and added, "I bet you'll like that." Kammerer then asked Freeouf, "Do you shoot big loads?" Freeouf told Kammerer that he did not really know what would be considered a "big load." He responded by saying, "Oh gotcha... Can you hit your face when you (sic) cum."

He asked Freeouf, "Do you do cock pics or not? Either way is cool with me." Freeouf told him no. Later he again asked Freeouf, "Any chance we could swap cock pic?" Freeouf told Kammerer that he would not send one because he got caught the last time he sent nude photos. Kammerer told Freeouf that he should always send it then delete it.

Had SA Freeouf's undercover persona been an actual child, and had that child sent Kammerer the nude images he requested, Kammerer would have possessed child pornography.

Kammerer and SA Freeouf continued to chat and Kammerer continued to try to get the child to meet him to engage in sex acts, though Kammerer did not actually show up to meet.

On August 19, 2016, agents executed a home and electronic device warrant. They first went to Kammerer's employer and his employer informed agents where Kammerer was living. Agents interviewed Kammerer at his house, and he confessed that it was him engaging in the above criminal conduct and that he has chatted online with multiple other minors. It was verified he was 26-*RH* years old.

Grindr is an app/website designed for people to meet one another and exchange information, and it can be used for dating or arranging sexual escapades. It uses computers and the internet to allow communications and discussions. Grindr operates solely online and is a corporation with servers

located outside of the state of South Dakota, all of which affects interstate commerce.

RANDOLPH J. SEILER
United States Attorney

4/21/17

Date

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4/14/17

Date

4-14-17

Date

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RYAN LLOYD KAMMERER
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TR
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